

COURTROOM MINUTE SHEET

DATE 11-17-17

CIVIL NO. CIV-16-1327 -F

Martin J. Gordon

-vs-

St. James Transports, LLC, L. Davis Transports, LLC, and Donald C. McCrite

COMMENCED 3:00 ENDED 4:20 TOTAL TIME 1 hr. 20 min.

PROCEEDINGS Daubert hearing/motion hearing

JUDGE STEPHEN P. FRIOT DEPUTY LORI GRAY REPORTER TRACY WASHBOURNE

PLF COUNSEL Tim Hummel

DFT COUNSEL Derrick DeWitt, Ryan Dean

The court hears arguments of counsel.

Plaintiff's Motion to Strike Defendants' Expert, Randall Hendricks (doc. no. 38) is **GRANTED IN PART and DENIED IN PART**. As to the medical testimony – as distinguished from the fee-related testimony – the court puts one limitation on the testimony of Dr. Hendricks: Because he has never seen or touched Mr. Gordon, Dr. Hendricks will not be permitted to opine as to Mr. Gordon's prognosis, degree of disability at the present, degree of medical improvement, or his present physical capacity. With respect to the reasonableness of fees, the motion is **DENIED**.

Plaintiff's Motion to Move the Trial Date (doc. no. 85) is **GRANTED**. This case is **STRICKEN** from the December 2017 trial docket. The November 29, 2017 docket call is **STRICKEN**. The courtroom deputy will coordinate a date with counsel for an in-chambers conference during the week of November 27, 2017, to discuss a new trial docket – likely January, February or March 2018.

Defendants' Motion to Amend Final Witness and Exhibit List (doc. no. 64) is **GRANTED**, limited to the four items listed on page 5 of the motion. With respect to item no. 3, the court expects that the necessary discovery will be promptly and cooperatively completed. This ruling is not determinative of the admissibility of the four items.

Plaintiff's Motion to Quash Defendants' Notice of and Subpoena to Dr. Hendricks to Testify at a Deposition (doc. no. 76) is **STRICKEN AS MOOT**.

Plaintiff's Motion to Quash Defendants' Subpoena to Testify at a Deposition regarding Always Construction, L.L.C. (doc. no. 77) is **STRICKEN AS MOOT**.

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